

Village of Windham, Ohio

Minutes of the Regular Council Meeting

Held January 28, 2014

At 7:00 PM, the Honorable Mayor Robert W. Donham II called the meeting to order and led in the Pledge of Allegiance to our nation's flag.

Also present were: Mike Iwanyckj Village Administrator, Eric Breiding Police Chief, Housing Rental Inspector Tom Brett, Charity Showalter, Michael Showalter, Barb Zupancic, Tom Prem, Denise Bly and C. James Moore.

Roll Call: Rachel Barrett – present, Deborah Blewitt – present,
 Scott Garrett – present, Sheryl Prem – present,
 Linda Rininger – present Randal Slusher – present

Mr. Garrett made a motion to amend the agenda by changing of the wording of Resolution R-2014-2, adding an Executive Session and adding Ordinance O-2014-6. The motion was seconded by Ms. Blewitt and carried by unanimous vote.

Mr. Garrett made a motion to approve the minutes of the December 17, 2013 Regular Council Meeting which was seconded by Mrs. Prem. Before the vote was taken Mrs. Rininger asked about the minutes from the previous month and the addition of the letter written by Maurice Hankins. Clerk of Council Billman explained that those changes had been made but are not as a matter of course redistributed to the Council. The minutes are available for review in the Administrative Office. Mrs. Barrett expressed that the incorrect year was specified as 2013 rather than 2014 in the Service Committee section. The roll call vote was taken as follows: Mrs. Barrett yes, Ms. Blewitt yes, Mr. Garrett yes, Mrs. Prem yes, Mrs. Rininger abstain, Mr. Slusher abstain.

Mrs. Prem made a motion to approve the minutes of the January 7, 2014 Special Organizational Council Meeting which was seconded by Mr. Slusher. Mrs. Rininger had a correction from the word so to no on her vote. Mrs. Barrett said she did not make the motion to adjourn but rather it was Ms. Blewitt. The roll call vote was taken as follows: Mrs. Barrett abstain, Ms. Blewitt yes, Mr. Garrett yes, Mrs. Prem yes, Mrs. Rininger yes, Mr. Slusher yes.

Fiscal Officer Billman gave the Financial Reports as follows: The Income Tax collected year to date December 31, 2013 was \$436,084.93 with \$38,580.06 of the total due to declarations of estimated tax. The expenditures for the month of December 2013 were \$377,370.58 in checks and charges. Check numbers 29670 through 29762 and 29775 were paid from the primary checking account during December 2013 with no checks voided. Direct Deposit Vouchers 477-2013 through 492-2013 and 495-2013 through 508-2013 were also paid during the month of December 2013. The all funds reconciled balance for December 2013 was \$1,223,000.66.

Village Council President's report by Deborah Blewitt. Ms. Blewitt said she had nothing to report.

Dispatchers Police, Fire and Rescue Squad Report for December 2013 by Deborah Blewitt. Ms. Blewitt made a motion to accept the report which was distributed at the SPR meeting earlier in the month. Mrs. Rininger seconded the motion which carried by unanimous vote.

Mayor Donham said that last years Mayors report was given verbally and will be combined with the report for 2013 and will be ready at the February Council meeting. There was no other specific correspondence.

Prior requests of guest to speak – Charity Showalter of Community in Action. Mrs. Showalter said the newsletter will be coming out February 7, 2014 and will be distributed at the Sparkle Market.

Mayor Donham said the intent is to move to the new building over the next six months. The 2014 budget will be ready for review at the February Finance meeting and he intends to have a line item for maintenance of the Community Center. The Community Center should be ready for occupancy during the summer and is suitable for large community events. There needs to be painting of windows and doors as well as other items and this is to be a Village Project.

Finance by Scott Garrett

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of December 2013 in the amount of \$377,370.58 in checks, direct deposits and charges with check numbers 29670 through 29762 and 29775 paid from the primary checking account during December 2013 with no checks voided during the month. Direct Deposit vouchers 477-2013 through 492-2013 and 495-2013 through 508-2013 were also issued during the month. The motion was seconded by Mr. Slusher and carried by unanimous vote.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for December 2013 in the amount of \$1,223,000.66 and the following monthly reports distributed to Council for the month ending December 31, 2013: Fund Summary, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through December 2013: Cash Summary by Fund, Comparison of Budget and Appropriated. The motion was seconded by Mrs. Prem and carried by unanimous vote.

Mr. Garrett read Ordinance O-2014-1 AN ORDINANCE APPROVING THE CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES AVAILABLE FOR EXPENDITURES, AND BALANCES FOR DECEMBER 31, 2013 FOR THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY and made a motion to suspend the rules which was seconded by Mrs. Rininger and carried by unanimous vote. Mr. Garrett then made a motion to adopt Ordinance O-2014-1 which was seconded by Mr. Slusher and carried by unanimous vote.

Mr. Garrett read Resolution R-2014-1 A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO MAKE THE FOLLOWING TRANSFERS BETWEEN THE WATER AND SEWER OPERATING FUNDS, RESPECTIVELY, TO THEIR RESPECTIVE DEBT SERVICE AND DEBT SERVICE RESERVE FUNDS TO MEET CALENDAR 2014 DEBT SERVICE REQUIREMENTS DURING 2014 AND DECLARING AN EMERGENCY and made a motion to suspend the rules which was seconded by Mrs. Prem and carried by unanimous vote. Mr. Garrett made a motion to adopt Resolution R-2014-1 which was seconded by Ms. Blewitt and carried by unanimous vote.

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Mr. Garrett read Resolution R-2014-2 A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY COSE / MEDICAL MUTUAL OF OHIO, OHIO EDISON, LOVE INSURANCE AND DECLARING AN EMERGENCY and made a motion to suspend the rules which was seconded by Mrs. Prem and carried unanimously. Mr. Garrett then moved to adopt Resolution R-2014-2 which was seconded by Mrs. Prem and carried unanimously.

Mr. Garrett read Ordinance O-2014-2 BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY and made a motion to suspend the rules which was seconded by Mr. Slusher and carried by unanimous vote. Mr. Garrett made a motion to adopt Ordinance O-2014-2 which was seconded by Mr. Slusher and carried by unanimous vote.

Instead of a motion, second and vote to approve the three year agreement through Alternative Energy Source with DP&L (Dayton Power and Light) for our Electricity supplier from March 1, 2014 through February 28, 2017, Mr. Garrett made a motion to accept the rates as presented with a contract to follow. The motion was seconded by Mrs. Prem and all voted in the affirmative for the passage of the motion.

Mr. Garrett made a motion to approve Fiscal Officer Lloyd Billman attending Local Government Conference in Columbus Ohio March 5th and 6th 2014 and reimbursement of all customary expenditures (mileage, meals and incidentals). The motion was seconded by Mrs. Rininger and carried by unanimous vote.

Mr. Garrett made a motion to approve payment to Cortland Bank monthly for the loan on 9083 North Main Street Windham Ohio in the amount of \$1,631.11 which shall be paid \$1,223.33 from the General Fund, \$203.89 from the Water Fund and \$203.89 from the Sewer Fund (this amounts to 74%, 12.5% and 12.5% accordingly). The motion was seconded by Ms. Blewitt. Mayor Donham explained that this would be followed up with legislation showing how those figures were derived. He said Lloyd needs the vote in order to pay for the January payment. The vote was taken and carried by a 6 – 0 margin.

Safety, Personnel, Rules (SPR) by Deborah Blewitt

Ms. Blewitt read Resolution R-2014-3 A RESOLUTION AUTHORIZING THE INTERNET SALE OF UNNEEDED, OR UNFIT, OR OBSOLETE PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES AND EQUIPMENT OWNED BY THE VILLAGE OF WINDHAM as a first reading. It was explained that there is no immediate need but this was in preparation for that occurrence.

Ms. Blewitt made a motion to enter into executive session for discussion of pending litigation and invite in Chief Breiding. The motion was seconded by Mr. Slusher and carried by unanimous vote at 7:31 PM.

Mr. Garrett made a motion to return from executive session which was seconded by Mr. Slusher and carried by unanimous vote at 7:51 PM.

Utilities by Rachel Barrett

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Mrs. Barrett read Ordinance O-2014-3 AN ORDINANCE TO REVISE AND AMEND SECTION 923.03 OF THE VILLAGE OF WINDHAM UTILITY CODE TO ADJUST THE RATES FOR WATER SERVICE FROM THE MUNICIPAL WATER SYSTEM AND DECLARING IT AN EMERGENCY and made a motion to suspend the rules which was seconded by Ms. Blewitt. The vote was unanimous. Mr. Garrett asked if we would revisit this at some point. Mayor Donham said yes if it was necessary. Mrs. Rininger expressed that the Sewer plant was doing well and the Water plant was barely keeping up.

Mayor Donham said that Council should discuss the next two items of legislation (Ordinance O-2014-4 and Ordinance O-2014-6) and only read and vote upon one of them. He said that rather than freeze the sewer rates, he was recommending an increase of 2.5% on sewer which would only be an overall increase of about 1% on the consumer's utility bill. The upgrades are about \$600,000 with a \$575,000 grant approved. The engineering estimate may be more than anticipated. After some additional discussion, Mayor Donham asked for a straw poll vote upon the two items of legislation. Ordinance O-2014-6 would raise the sewer rates by 2.5% and Ordinance O-2014-4 would freeze the sewer rates at the 2013 level. Mr. Garrett was in favor of O-2014-6, Mrs. Barrett was in favor of O-2014-4, Ms. Blewitt was in favor of O-2014-4, Mrs. Prem was in favor of O-2014-6, Mrs. Rininger was in favor of O-2014-4 and Mr. Slusher was in favor of O-2014-6. There was some additional debate and then the Mayor asked Council to consider Ordinance O-2014-6 AN ORDINANCE TO REVISE AND AMEND SECTION 921.01 OF THE VILLAGE OF WINDHAM UTILITY CODE TO ADJUST THE SEWER RATES FOR SEWER DISCHARGE TO THE MUNICIPAL SANITARY SEWER SYSTEM OF THE VILLAGE AND DECLARING IT AN EMERGENCY. Mr. Garrett read O-2014-6 and made a motion to suspend the rules which was seconded by Mr. Slusher. The roll call vote was taken as follows: Mrs. Barrett no, Mr. Garrett yes, Mrs. Rininger no, Ms. Blewitt no, Mrs. Prem yes and Mr. Slusher yes; so with a 3 – 3 tie, the motion was defeated. Mayor Donham then asked Council to reconsider their vote so that Ordinance O-2014-6 could be voted upon. After some additional discussion, Mrs. Barrett made a motion to reconsider O-2014-6 which was seconded by Mr. Slusher and carried by a 5 – 1 vote with Mrs. Rininger being the sole no vote.

Mr. Slusher then made a motion to suspend the rules on O-2014-6 which was seconded by Mrs. Prem and carried by a 5 – 1 vote with Mrs. Rininger being the dissenting vote. A motion was made by Mr. Garrett to adopt O-2014-6 which was seconded by Mrs. Prem and carried by a 5 – 1 vote with Mrs. Rininger again voting no. Mrs. Rininger said she wanted to make a statement for the record that she voted as she did because she felt the Sewer should have stayed at the 2013 rates due to \$700,000 surplus in the Sewer Fund.

Service Committee by Randall Slusher

Mr. Slusher said he had nothing to report.

Parks and Recreation by Randall Slusher

Mr. Slusher said the holiday lighting contest went over well. The report of the winners was as follows: Greg Jones won first place, Second and third place were tied with Bud & Rella Mullenax and Carl Angus. Special Mentions went to Kenny & Freida Shearer and Marty Carroll.

Planning and Zoning by Deborah Blewitt

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Ms. Blewitt read Resolution R-2014-4 A RESOLUTION FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON A PROPOSED AMENDMENTS TO THE WINDHAM VILLAGE CODIFIED ZONING ORDINANCES TO ESTABLISH COMPENSATION AND PAY FOR THE WINDHAM VILLAGE ZONING INSPECTOR AND DECLARING AN EMERGENCY an made a motion to suspend the rules which was seconded by Mr. Garrett and was carried by unanimous vote of Council. Ms. Blewitt then made a motion to adopt R-2014-4 which was seconded by Mr. Slusher and carried by a 6 – 0 vote.

Ms. Blewitt read Ordinance O-2014-5 AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING ORDINANCE TO ESTABLISH THE COMPENSATION OF THE ZONING INSPECTOR as a first reading.

Solicitor's Report by Thomas Reitz

Mr. Reitz said he had an inquiry about the burial of an indigent person as to whether the Village Codified Ordinance should be amended. After some research he felt that the Ohio Revised Code is sufficient and of uniform effect through the state. The Village can't change anything in the ORC and his recommendation is that Council do nothing.

Guest Recognition

C. James Moore asked about the 2012 Mayor's report and further clarification. Mayor Donham said that the 2013 report will be combined with the 2012 report. Mr. Moore then questioned the 2011 report and Mayor Donham stated that if it isn't available he would get a copy to Mr. Moore. Mr. Donham continued by saying there was an opinion that if the Mayor's report contained too much or too little information as far as specifics the Village could be held accountable.

Mr. Moore asked about the inspection ordinance where you include single family homes, specifically about the cost of trash pickup being passed on to the landlord. Mr. Donham said that was not in the spirit of the legislation as it was passed. Mrs. Rininger asked if there is a confusion about the legislation could it not be sent back to the committee?

Mr. Moore asked about the status of extending the water lines East of the Village and also an extension of the sewer lines. Mr. Donham said that East of the village is a long term goal and not in the immediate plans. We could put it in this year and fund it next year or probably more realistically put it in next year and fund the following year. If it were assessed to the property owner it would be too expensive.

Denise Bly asked if north of the turnpike could sewer be extended within five years and Mr. Donham said yes.

Charity Showalter said she had heard that it was said the Community in Action wanted to take control of the Community Center. She wanted to clarify that she only wanted to get the people motivated and not take control of the Community Center.

Mayor Donham said we spoke at the committee level and we talked about a wing (of the Community Center). It isn't under general liability and to enter into a long term commitment with anybody would not be feasible at this time. We are talking about upgrading the building and having it available for use by anyone just like any other group within the community.

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Mrs. Showalter asked what finances would keep the Community Center going? Mayor Donham replied the general fund. We would use regular tax money.

Mrs. Showalter asked when the Village Calendar is going to be up. Mayor Donham said tomorrow morning it will be updated on the website and outside the door and copies available for citizens to pick up.

Mike Iwanyckyj said all water breaks have been fixed.

Mayor Donham said he would not be available for any Wednesday meetings at all through the end of May due to a class he is taking. The calendar for February was discussed and changed.

Mr. Slusher made a motion for adjournment which was seconded by Mrs. Barrett and with all voting in the affirmative the meeting was adjourned at 9:00 PM.

Respectfully submitted,

Attest,

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor

**** NOTE: THESE MINUTES ARE SUMMARY BY DIRECTION OF COUNCIL ****

All Council & Committee Meetings will be held in Windham Council Chambers, unless otherwise noted.